

ORDINANCE NO. 3683

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING SECTIONS 12-1 and 12-5 OF CHAPTER 12, CODE OF THE CITY OF CHANDLER; RELATING TO MOTORIZED PLAY VEHICLES AND MOTORIZED SKATEBOARDS.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona that Sections 12-1 and 12-5 of Chapter 12, Chandler City Code, be amended to read as follows:

12-1. Definitions.

Vehicle, for the purposes of this chapter, shall be construed to embrace any means of transportation made use of in any way whatsoever for such transportation, including, but not limited to, automobiles, motorcycles, motor scooters, bicycles, trailers, wagons and carts.

Alleys are defined as any right-of-way for vehicular traffic in the City where the dedicated right-of-way is twenty-four (24) feet or less.

Motorized play vehicle means a coaster, scooter, any other alternatively fueled device (excluding battery operated toy carts designed for children under the age of eight (8) years to ride in or on) or other motorized vehicle that is self-propelled by a motor or engine and which is not otherwise defined in A.R.S. Title 28, as a "motor vehicle," "motor-driven cycle" or "motorized wheelchair."

Motorized skateboard means a self-propelled device which has a motor or engine, a deck on which a person may ride by standing upright only and has at least two (2) wheels in contact with the ground and which is not otherwise defined in A.R.S. Title 28, as amended, as a "motor vehicle," "motor-driven cycle" or "motorized wheelchair."

12-5. Motorized play vehicles and motorized skateboards.

12-5.1. Applicability of traffic laws.

A. All traffic laws shall apply to persons riding motorized play vehicles and motorized skateboards. Every person operating a motorized play vehicle or motorized skateboard upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this State declaring rules of the road applicable to the vehicles, or by the traffic regulations in this chapter and except as to those provisions which by their nature can have no application.

B. This section shall not be construed to require the licensing or registration of motorized play vehicles or motorized skateboards, the licensing of motorized play vehicle or motorized skateboard operators, or the carrying of insurance covering accidents involving motorized play vehicles or motorized skateboards.

C. It is unlawful for any person operating a motorized play vehicle or motorized skateboard not to obey the instructions of official traffic-control signals, signs and other traffic direction devices that are applicable to vehicles, unless otherwise directed by a Police Officer.

12-5.2. Responsibility of parents, guardians, and custodians. No parent, guardian, or custodian of a child, shall authorize or knowingly permit any child to violate this chapter.

12-5.3. Prohibited areas of operation. No person shall operate a motorized play vehicle or motorized skateboard:

- A. On any sidewalk, except for use in crossing such sidewalk by the most direct route to gain access to any public or private road or driveway.
- B. In any City parking structure or City park, except for use on public roadways within the park, or designated hike/bike trails.
- C. On any public property that has been posted or designated by the owner of such property as an area prohibiting the use of "skateboards."
- D. On any public roadway consisting of a total of four (4) or more marked traffic lanes, or having an established speed limit of greater than thirty-five (35) miles per hour.
- E. On any private property of another, or any public property which is not held open to the public for vehicle use, without the written permission of the owner, the person entitled to immediate possession of the property, or the authorized agent of either.

12-5.4. General operating restrictions.

- A. No child under the age of thirteen (13) shall operate a motorized play vehicle or motorized skateboard.
- B. No person shall operate a motorized play vehicle or motorized skateboard in excess of the speed that is reasonable and prudent under existing circumstances, or the lawfully posted limit, whichever is the least.
- C. The operator of a motorized play vehicle or motorized skateboard, approaching a sidewalk, bicycle path, bicycle lane, or multi-use path in order to cross such, shall yield the right-of-way to all other users.
- D. No operator of a motorized play vehicle or motorized skateboard shall allow passengers when the motorized play vehicle or motorized skateboard is in motion.
- E. No person operating or riding upon a motorized play vehicle or motorized skateboard shall attach themselves or the motorized play vehicle or motorized skateboard in any manner to any other vehicle.
- F. No person shall operate a motorized play vehicle or motorized skateboard while carrying any package, bundle or article which prevents the operator from keeping both hands on the steering mechanism at all times.
- G. No person, other than the owner, shall operate a motorized play vehicle or motorized skateboard without the written permission of the owner.

H. No person shall operate a motorized play vehicle or motorized skateboard that has been structurally altered from the original manufacturer's design. This section applies to alterations to the exhaust system of such vehicles, except for alterations to make the exhaust system more quiet than the original manufacturer's design.

I. No person shall operate a motorized play vehicle or motorized skateboard in a cross walk.

K. No person shall operate a motorized play vehicle or motorized skateboard while towing or pulling another person, or object.

12-5.5. Operating restrictions on roadway.

A. A person operating a motorized play vehicle or motorized skateboard on a roadway at less than the normal speed of traffic, at the time and place and under the then existing conditions, shall ride as close as practicable to the right-hand curb or edge of the roadway, except under the following conditions and when the movement can be made in safety:

1. If overtaking and passing a bicycle or vehicle proceeding in the same direction.
2. If preparing for a left turn at an intersection or into a private roadway or driveway.
3. If reasonably necessary to avoid hazardous conditions ahead in the roadway.
4. If the lane in which the person is operating the motorized play vehicle or motorized skateboard is too narrow for a motorized play vehicle or motorized skateboard and a bicycle or another vehicle to travel safely side by side within the lane.

B. No operator of a motorized play vehicle or motorized skateboard shall transport extra fuel in a separate container or alter the fuel reservoir from the original manufacturer's design. This includes the prohibition of physically attaching fuel packs or containers to the operator's person.

C. Persons operating motorized play vehicles or motorized skateboards on the roadway shall not ride more than two (2) abreast.

D. Motorized play vehicles or motorized skateboards may only be operated between the hours of 8:00 a.m. and 8:00 p.m.

12-5.6. Required safety equipment.

A. No person shall operate a motorized play vehicle or motorized skateboard without a head lamp emitting a beam and a red rear reflector anytime from one-half (1/2) of an hour prior to sunset and one-half (1/2) of an hour after sunrise, or any other time when there is not sufficient light to render clearly identifiable objects, persons, or vehicles on the roadway.

1. A head lamp shall emit a white light and be visible from the front at a distance no less than five hundred (500) feet.

2. A rear red reflector shall be visible when illuminated by a vehicle head lamp from a distance of not less than three hundred (300) feet.

3. A rear red lamp visible from a distance of five hundred (500) feet to the rear may be used in addition to the rear red reflector.

B. No person shall operate a motorized play vehicle or motorized skateboard unless it is equipped with a brake which enables the operator to make a braked wheel(s) skid on pavement.

C. Any operator of a motorized play vehicle or motorized skateboard under the age of eighteen (18) years being operated on a roadway shall at all times wear a full-face protective helmet on his or her head in an appropriate and safely secured manner. The helmet should be DOT approved and designated "full-face protection" by the manufacturer.

D. No person shall operate a motorized play vehicle or motorized skateboard without wearing footwear. The foot wear must have a sole and completely cover the feet and toes.

E. The operator of a motorized play vehicle or motorized skateboard shall wear at all times, eye protection.

12-5.7 Duties of sellers of motorized play vehicles and motorized skateboards.

A. Any person who sells a new motorized play vehicle or a new motorized skateboard in the City of Chandler, shall display, at the place of sale, Chandler City Code Sections 12-5, 30-4 and 30-5.

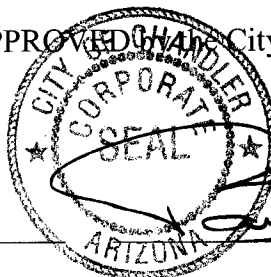
B. Any person who sells a new motorized play vehicle or a new motorized skateboard in the City of Chandler by mail-order shipment to an address in the City of Chandler or a city adjacent to the City of Chandler, shall include a copy of Chandler City Code Sections 12-5, 30-4 and 30-5 in the shipment.

C. Any person who sells a new motorized play vehicle or a new motorized skateboard in the City of Chandler shall provide to the buyer written notice that motor vehicle insurance policies and some homeowners' insurance policies will not cover liability claims involving these types of vehicles. This notice shall be in addition to any warnings or notices provided by the manufacturer.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 28th day of April 2005.

ATTEST:


CITY CLERK




MAYOR

PASSED AND ADOPTED by the City Council this 12th day of May 2005.

ATTEST:

Marta Padgett
CITY CLERK



[Signature]
MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3683 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 12th day of May 2005, and that a quorum was present thereat.

Marta Padgett
CITY CLERK

APPROVED AS TO FORM:

Dennis M. O'Neill
CITY ATTORNEY

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